

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MARTIN J. WALSH,
SECRETARY OF LABOR
U.S. DEPARTMENT OF LABOR,
Plaintiff,

v.

PACKERS SANITATION SERVICES, INC.,
LTD.,
Defendant.

No. CV: 4:22-CV-03246

**DEFENDANT’S OBJECTIONS TO AND
MOTION FOR RECONSIDERATION OF
THE MAGISTRATE JUDGE’S
NOVEMBER 21, 2022
ORDER, PURSUANT TO 28 U.S.C.
§636(b)(1)(A) and FED. R. CIV. P. 72(a)**

Defendant Packers Sanitation Services, LLC (“PSSI”), by and through its counsel, Fisher & Phillips, LLP, hereby submits this Objections to and Motion for Reconsideration of the November 21, 2022 Magistrate Order (the “November 21st Order”), which granted in part Defendant’s Motion for Expedited Discovery, Scheduling Order, and Continuance of Preliminary Injunction Hearing (“Motion for Expedited Discovery”) (ECF Doc. No. 23).

PSSI’s Motion for Expedited Discovery contained five (5) document requests and four (4) interrogatories, to be produced in advance of the Preliminary Injunction Hearing, including *inter alia*: “[a]ll documents or other evidence that DOL intends to present or to rely upon at the hearing,” “all individuals [the DOL] will or may call to testify at the preliminary injunction hearing on behalf of DOL,” and “the identity of the remaining 19 (or 21) individuals referred to in [the DOL’s] TRO and Preliminary Injunction pleadings who the DOL contends were employed in violation of the FLSA for whom DOL has not already furnished this information to Defendant.” (ECF Doc. No. 9-1, p. 10).

In the Order, Judge Bazis required the DOL only to identify any minors “if Plaintiff knows (or suspects) a certain minor is still employed by Defendant at this time” and provide “copies of

the documents it intends to present or to rely upon at the hearing and to identify any witnesses that may testify at the hearing. . . . no later than November 29, 2022.” (ECF Doc. No. 23, p. 4).

As set forth in the accompanying brief, PSSI respectfully argues that the Order did not consider its arguments, as set forth in its briefs, regarding the Secretary’s assertion of the informant’s privilege, and is clearly erroneous and contrary to law, pursuant to 28 U.S.C. §636(b)(1)(A).

WHEREFORE, for the reasons set forth in its Brief in Support of this Motion, PSSI respectfully requests that the Court reconsider Judge Bazis’ November 21, 2022 Order granting in part PSSI’s Motion for Expedited Discovery.

Respectfully submitted,

s/Patrick M. Dalin

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